

February 16, 2010 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Tuesday, February 16, 2010 at 6:00 P.M.

Council President Christopher T. Semonelli, Presiding

Vice Chairman Richard Cambra

Councillor Frank A. Bozyan

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Robert J. Sylvia

Councillor Barbara A. VonVillas, Members Present

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (5) lease (Joel Peckham School) and (1) personnel (Deputy Police Chief) and (1) personnel (Town Administrator).

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 6:01P.M. and reconvene in executive session.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reconvene this meeting in open session at 6:23 P.M.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to authorize the Town Administrator to enter into an agreement with the Deputy Police Chief.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.

The meeting was recessed until 7:00 P.M.

Town Solicitor Michael W. Miller addressed the Council concerning the adoption of the Wind Turbine ordinance voted on at the last regular meeting of the Council. Mr. Miller noted his opinion is that the ordinance failed to be adopted properly, explaining that the Council may reconsider the motion.

On motion of Councillor Sylvia, duly seconded, it was voted unanimously to reconsider the Wind Turbine Ordinance motion taken at the last regular meeting of the Council, February 1, 2010.

On motion of Councillor Sylvia, duly seconded, it was voted to adopt said wind turbine ordinance; Council President Semonelli voted NO to said motion; said adopted ordinance entered here:

CONSENT CALENDAR

1. Approval of Minutes – Special Meeting, February 1, 2010.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.

2. Approval of Minutes – Regular Meeting, February 1, 2010.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.

3. Communication of Town Clerk, Town of South Kingstown, re: Receipt of resolution from the Town concerning Liquefied natural gas

facility in Mount Hope Bay.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

4. Communication of City Clerk, City of Woonsocket, with enclosures, re: Requesting support of Resolution requiring Minimum Beneficiary Contribution to Cost Sharing as It Relates to Public Employee Healthcare Benefits.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

5. Communication of Town Clerk, Town of Burrillville, with enclosure, re: Proposed Weaver's Cove Offshore Berth Project – Vote to support Middletown resolution opposing liquefied natural gas (LNG) offshore berth in Mount Hope Bay.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

6. Communication of Steven P. Rodrigues, President, Middletown Fire Fighters Association, re: Notice of desire to start collective bargaining for fiscal year 2010-2011.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

7. Memorandum of Town Administrator, re: Middletown H1N1 Clinics.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

8. Memorandum of Town Administrator, re: Motor Vehicle Excise Tax Lawsuit.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

9. Memorandum of Town Administrator, re: Winter Polo Special Event.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

10. Communication of Town Administrator, with enclosures, re: Tax Collector's Report for period ending January 31, 2010.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and report.

11. Resolution of the Council, re: Proclaiming February 1st as Domestic Violence Victims Day in the Town.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

12. Notice of Public Hearing received from the Zoning Board of Review, Petition of Enterprise Center Properties, Inc., C/O Ms. Deanna Roy, 25 Enterprise Center, owner, Embrace Home Loans, Inc., applicant by their attorney Robert M. Silva, Esquire for a Special Use Permit under Section 1211E-Table 12-5 to allow the placement of one 32 sq. ft. wall-mounted internally illuminated channel letter sign on the front (south) side of an existing office building. Said real estate located at 25 Enterprise Center, TAP 113, Lot 15B.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said notice.

TOWN COUNCIL

1. Memorandum of Town Solicitor, with enclosure, re: Vote on wind turbine ordinance, February 1, 2010.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

2. Memorandum of Councillor Sylvia, re: Request for reconsidering of wind turbine motion – February 1, 2010.

John Bagwill, 587 Tuckerman Avenue, addressed the Council explaining that the Town administration will hold a workshop; Mr.

Greenwood from the Rhode Island Historical Preservation Society will conduct a presentation to several Town boards and committees.

Richard Price, 9 JH Dwyer Drive, noted the excellent work performed by the Town administration. Mr. Price explained that he is not anti-green and suggests the Council consider Mr. Bagwill's amendments to the Wind Turbine ordinance in the future.

Bruce Long, 1 Winfield Court, supports renewable energy and is in favor of the upcoming workshop with the RI Historical Preservation Society. Mr. Long noted that residents are not always fully aware of changes in Town to ordinances and the comprehensive plan.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

3. Memorandum of Town Planner, with enclosures, re: FY2010 Small Cities Community Development Block Grant Application (CDBG) –

Project priorities.

Town Planner Ronald Wolanski reviewed the CDBG process, noting that this year Town would be eligible to apply for up to \$400,000 of funding.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

4. Public Hearing (Advertised)

Town of Middletown application for Small Cities Community Development Block Grant (CDBG) for certain projects, in an amount not to exceed \$400,000.

Public Hearing was declared open.

Christian Belden, of Church Community Housing Corporation, addressed the Council noting that the Town is eligible for an amount not to exceed \$400,000. Mr. Belden explaining that Church Community Housing will be assisting the Town with the CDBG grant application, noting several firms requesting 2010 CDBG funding.

There being no other person present desiring to be heard on the matter, public hearing was declared closed.

Council President Semonelli noted a second public hearing will be held at a date to be determined.

5. Memorandum of Town Planner, with enclosure, re: Required revisions to the Town's Flood Hazard Areas regulations, Zoning Ordinance, Article 10. (Requires Advertising for Public Hearing).

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said memorandum and advertise said zoning amendment for the March 15, 2010, Regular Meeting of the Council.

Councillor Silveira recused himself from acting on the following item of business, due to a possible conflict of interest.

6. Petition of CVD II, LLC, et al by their Attorney, Joseph R. Palumbo, Jr., with enclosures, re: to amend Comprehensive Community Plan as outlined in enclosure and to amend the Zoning Ordinance, adopted effective October 30, 2006, by changing the classification of Lots 8, 9, 9A & 10, Tax Assessor's Plat 111 from Light Industrial (LI) to General Business A (GBA). (Proposed amendments to Comprehensive Plan requires Planning Board Public Hearing and Approval; Proposed amendment to the Zoning Ordinance requires Planning Board Recommendation)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said petition and refer said amendments to the Planning Board.

**7. Memorandum of Town Administrator, with enclosures, re:
Request by Dudley Avenue Residents.**

Mr. Patel, representing Rodeway Inn Hotel, expressed concern with establishing Dudley Avenue as a one way road, noting one side of the hotel parking lot is only accessible from Dudley Avenue, which would be inconvenient parking for patrons.

Town Administrator Shawn Brown reviewed his memo entered here:

Lt. Robert Nutt, Middletown Police Department, noted the police department completed a traffic study of the area. Mr. Nutt explained that a one way would create traffic problems for some area residents and the hotel.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said memorandum.

8. Memorandum of Town Administrator, re: Social Host Ordinance.

Town Administrator Shawn Brown reviewed the recent addition to the Town ordinance requiring RBS training for Class A package stores. Mr. Brown noted the proposed ordinance will add penalties for property owners hosting underage drinking, explaining the ordinance lays out fines and education.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

9. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title XIII, General Offenses, Chapter 130, Section 130.01 Possession, Consumption By Minors Prohibited, Section 130.01(A)

Unlawful Possession or Consumption of Alcoholic Beverages By Underage Persons and Section 130.01(B) Social Host Offenses.

Nan Heroux, 7 Granada Terrace, volunteer for the Substance Abuse Prevention Task Force, noted that group studies by the task force show minors can easily obtain alcohol. Ms. Heroux explained the social host ordinance will close the gap on minors, age 18-21. The violations will be handled in municipal court.

Councillor Silveira thanked all who were involved in the development of the ordinance.

Rob Mignacca, Substance Abuse Prevention Task Force grant coordinator, explained the importance of the ordinance to the community which will back up social host laws from the state. Mr. Mignacca explained that Middletown will join 171 other communities in 21 states with a social host ordinance.

Bruce Long, 1 Winfield Court, member of the Substance Abuse Prevention Task Force, noted the need to change the culture in both parents and students regarding underage drinking.

Councillor Bozyan noted a typo, on the last page, of the proposed ordinance.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

10. Memorandum of Town Administrator, with enclosures, re: Roadway Investment Local Equity Aid Program (RI-LEAP) Agreements.

Town Administrator Shawn Brown reviewed his memo entered here:

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

11. Resolution of the Council, re: Authorizing the Town Administrator to execute documents of behalf of the Town concerning Roadway Investment Local Equity Aid Program (RI-LEAP).

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

12. Memorandum of Town Administrator, with enclosures, re: Surplus Police Vehicles.

Town Administrator Shawn Brown noted there are two police cars to be surplus; one car is beyond its useful life and the other taken to the salvage yard, declared unsafe.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

13. Resolution of the Council, re: Surplus Police Vehicles.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

14. Memorandum of Councillor VonVillas, re: Municipal & School Regionalization.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

Councillor VonVillas expressed concern with the State budget and its

effect on the Town. Ms. VonVillas suggest the Town take a proactive role in exploring regionalization of municipal and school services.

Council President Semonelli noted the existence of an ad hoc committee which is exploring school regionalization.

Councillor Silveira explained the need to involve the community on the subject of regionalization. Mr. Silveira suggests a non-binding referendum asking for voter input regarding regionalization.

Councillor Bozyan noted that the regionalization matters are the responsibility of all seven Council members.

**Councillor Sylvia noted his agreement with Councillor VonVillas concerning
the matter.**

Vice Chairman Cambra noted the matter of regionalization should be explored by the entire Council.

On motion of Councillor VonVillas, duly seconded, it was voted that the Town Council appoint 2 sub-committees of the Town Council to explore the potential of regionalization; one sub-committee would explore the potential for the regionalization of municipal services, and the other would explore the potential for school regionalization; Councillor Sylvia and Councillor VonVillas voted YES; Council President Semonelli, Vice Chairman Cambra, Councillor Bozyan, Councillor Santos and Councillor Sylvia voted NO to said motion; MOTION FAILED TO PASS.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously that this Council sit as a committee to discuss regionalization of municipal and school services.

15. Communication of Jessica Barrow, (Resident - Wedgewood Drive,

Middletown) Boston, MA, re: Request for support for the Habit for Humanity Collegiate Challenge.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and approve \$553.00 to be appropriated from the Council President's discretionary fund.

16. Communication of The St. Patrick's Day Parade Committee, re: Request for support by placing an ad in the Parade Bulletin or donating to the parade committee.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and approve a full-page ad (cost \$230.) in the St. Patrick's Day Parade Bulletin to be appropriated from the Council President's discretionary fund.

17. Memorandum of Arthur S. Weber, Jr., Chairman, Middletown Planning Board, re: Recognition of Service – Frank Forgue.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and direct the Town Clerk to send a letter to Mr. Forgue extending Council appreciation for service and present Mr. Forgue with a Town tile.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

Art Benner, 3 Namquid Drive, expressed concern with the lack of snow removal from sidewalks throughout the Town. Mr. Benner noted that Town ordinance 94.01 states that owners are responsible for the removal of snow. Mr. Benner suggests addressing this

problem now to prepare for next winter season.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 8:15 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

February 16, 2010 - Regular Town Council Meeting

Published by ClerkBase

©2010 by Clerkbases. No Claim to Original Government Works.